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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,083	10/10/2001	John S. Hendricks	SEDN/5205	5151

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PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702		

EXAMINER	
SHEPARD, JUSTIN E	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
12/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/973,083

Applicant(s)

HENDRICKS ET AL.

Examiner

Justin E. Shepard

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 61-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 10/24/07 have been fully considered but they are not persuasive.

Page 6, first 2 paragraphs:

The applicant argues that McKenna does not disclose "group assignment rules" as they are defined in the applicant's specification. The applicant points to a portion of the specification where the rules are defined as "allowing for the assignment of a group number to each set top terminal for each target category based on information collected and stored at the set top terminal." As McKenna discloses a system wherein television viewing information is collected (column 7, lines 18-19), wherein this information is used to tailor advertisements to either specific users or groups based on a number assigned by the headend (column 10, line 64 to column 11, line 4). The addition of Vogel teaches the idea of overriding a group based on the automatic censoring of video content (column 5, lines 34-42), but as commercials could be of varied ratings based on their content (such as an ad for a violent videogame or movie) which a parent may choose to keep their children from watching, this combination is valid and meets the limitation presented in the amendment.

Applicant's remaining arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 61-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna in view of Vogel.

Referring to claim 61, McKenna discloses a system, comprising:

a processor for generating a plurality of group assignment rules based on viewing information (figure 1, parts 17 and 24; column 7, lines 18-19; column 11, lines 27-32)

a switching engine for receiving a plurality of group assignment rules, wherein said plurality of group assignment rules associate a plurality of set top terminals to a group based on a target category (column 10, lines 64-68; column 11, lines 1-4) and a switching plan (column 11, lines 11-13) and for switching at least one program channel to at least one feeder channel according to the switching plan (column 11, lines 21-26), the feeder channel being an ancillary channel for providing a plurality of advertisements based on a group assignment in the plurality of group assignment rules (column 10, lines 50-60); and a data collection engine for collecting information including advertisements watched data (column 7, lines 18-19; Note: as the system watches the channel that the system is tuned to, it would keep track of when the system tuned into a

substitute channel) and any changes to the plurality of group assignment rules for use in future advertising targeting (column 11, lines 27-32).

McKenna does not disclose a system comprising a group assignment rules processor engine for managing the group assignment rules associated with a viewer's set top terminal by allowing a viewer to review which group a viewers set top terminal is assigned to by said processor according to a respective group assignment rule of said plurality of group assignment rules and by processing any input from the viewer to modify or override of any of the group assignment rules associated with a viewer's set top terminal.

In an analogous art, Vogel teaches a system comprising a group assignment rules processor engine for managing the group assignment rules associated with a viewer's set top terminal by allowing a viewer to review which group a viewers set top terminal is assigned to by said processor (column 5, lines 8-12 and 20-26) according to a respective group assignment rule of said plurality of group assignment rules and by processing any input from the viewer to modify or override of any of the group assignment rules associated with a viewer's set top terminal (column 5, lines 37-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the rules managing and overriding taught by Vogel to the system disclosed by McKenna. The motivation would have been to enable the user to block out certain programming not deemed appropriate for certain viewers.

Claim 64 is rejected on the same grounds as claim 61.

Referring to claim 62, McKenna discloses a system of claim 61, further comprising: a memory for storing the plurality of group assignment rules (column 11, lines 11-13) and the advertisements (figure 1, parts 13 and 14).

Claim 65 is rejected on the same grounds as claim 62.

Referring to claim 63, McKenna discloses a system of claim 61, wherein the data collection engine includes an automatic data collection module (column 7, lines 18-19) and a manual data collection module (column 7, lines 28-38).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

  
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